

Application No. 10/683,760  
June 15, 2005  
Page 7 of 11

Docket No. CS23797RA - Bi

REMARKS

The issues outstanding in the instant application are as follows:

- Claims 1 -9 are rejected under 35 U.S.C. 101.
- Claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Drake, Jr. et al. (US 5,461,611).
- Claims 1-9 and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rappaport et al (US 2004/0259555).
- Claims 2-6 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Drake, Jr. et al.
- Claims 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. (US 2004/0047323) in view of Drake et al.
- Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. in view of Drake et al. and further in view of Jollota et al. (US 2004/0142699).

Amendments to the Claims

Claims 1-9 have been amended to be method claims. This change is based on page 5 line 8 through page 7 line 8 of the specification as filed. Thus, no new matter has been added.

Claims 10 has been amended to specify a broadcast content service identifier. This change is based on page 7 lines 9-28 of the specification as filed. Thus, no new matter has been added.

Claim 24 has been amended to specify a service identifier associated with a broadcast content label. This change is based on page 7 lines 9-28 of the specification as filed. Thus, no new matter has been added.

Application No. 10/683,760  
June 15, 2005  
Page 8 of 11

Docket No. CS23797RA - Bi

35 U.S.C. § 101

Claims 1-9 are rejected under 35 U.S.C. § 101. Original claims 1-6 were directed to a message; and original claims 7-9 were directed to table. Claims 1-9 are currently amended to be directed to statutory subject matter, namely processes. Therefore, reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. § 101 is respectfully requested.

35 U.S.C. § 102(b) - Drake

Claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Drake, Jr. et al. (US 5,461,611). Drake is concerned with quality of service management in local area networks. FIG. 3 of Drake shows a proposed quality of service message with a header field 50, routing fields 51, a source address field 52, a destination address field 53, a data stream descriptors field 54, a desired quality of service specification field 55, and a minimum quality of service specification field 56. See Drake column 9 line 64 through column 10 line 8.

None of Drake's fields are analogous to "identifying a label for broadcast content on an associated broadcast channel" as recited in amended claim 1 or "identifying a label for broadcast content on a broadcast channel" as recited in amended claim 7. The header field 50, routing field 51, source address field 52, and destination address field 53 of Drake are completely unrelated to "identifying a label for broadcast content." The data stream descriptors field 54 (shown as the "traffic descriptors" field 54 in FIG. 3) also has nothing to do with broadcast content – instead it refers to the traffic parameters of the data stream. These traffic parameters are listed in Drake column 5 line 51 through column 6 line 30 as maximum packet size (forward and backward directions), average packet size (forward and backward directions), committed burst size (forward and backward directions), excess burst size (forward and backward direction), and access class (forward and backward directions). The Drake traffic parameters do not identify broadcast content. In contrast, the pending application shows examples of labels for broadcast content in

Application No. 10/683,760  
June 15, 2005  
Page 9 of 11

Docket No. CS23797RA - Bi

FIG. 5 as "stocks," "weather," and "news," and in FIG. 6 as "ABC," "NBC," "CNN," and "FOX."

Because Drake fails to show or suggest identifying a label for broadcast content as recited in claims 1 and 7, claims 1 and 7 are not anticipated by Drake. Reconsideration and withdrawal of the rejection of claims 1 and 7 under 35 U.S.C. § 102(b) as being anticipated by Drake is respectfully requested.

35 U.S.C. § 102(b) - Rappaport

Claims 1-9 and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rappaport et al. (US 2004/0259555). Rappaport, like Drake, fails to identify a label for broadcast content as recited in independent claims 1 and 7. As shown in FIG. 9, Rappaport's identifiers 802-804 refer to air interfaces (e.g., IEEE 802.11b), transmitter hardware (e.g., WaveLAN), and receiver hardware (e.g., WaveLAN PCMCIA modem on laptop). See Rappaport paragraph [0091]. The actual content of the signal is completely irrelevant to Rappaport, so there is no label for broadcast content shown in or suggested by Rappaport.

Because Rappaport fails to show or suggest identifying a label for broadcast content as recited in claims 1 and 7, claims 1 and 7 are not anticipated by Rappaport. Claims 2-6 depend directly or indirectly upon independent claim 1 and, therefore, are also not anticipated by Rappaport. Claims 8-9 depend directly upon independent claim 7 and, therefore, are also not anticipated by Rappaport.

Independent claim 24 has been amended to specify that the service identifier is associated with a broadcast content label. Rappaport does not associate its identifiers 802-804 with broadcast content or a broadcast content label. Thus, claim 24 is not anticipated by Rappaport. Claims 25-27 depend directly or indirectly upon independent claim 24 and, therefore, are also not anticipated by Rappaport.

Reconsideration and withdrawal of the rejection of claims 1-9 and 24-27 under 35 U.S.C. § 102(b) as being anticipated by Rappaport is respectfully requested.

Application No. 10/683,760  
June 15, 2005  
Page 10 of 11

Docket No. CS23797RA - Bi

35 U.S.C. § 103(a) - Drake

Claims 2-6 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Drake, Jr. et al. As stated previously, Drake fails to show or suggest identifying a label for broadcast content as recited in claims 1 and 7. Claims 2-6 depend directly or indirectly upon independent claim 1 and, therefore, are not unpatentable in view of Drake. Claims 8-9 depend directly upon independent claim 7 and, therefore, are also not unpatentable in view of Drake. Reconsideration and withdrawal of the rejection of claims 2-6 and 8-9 under 35 U.S.C. § 103(a) as being unpatentable over Drake is respectfully requested.

35 U.S.C. § 103(a) - Park and Drake

Claims 10-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. (US 2004/0047323) in view of Drake, Jr. et al. Neither Park nor Drake shows or suggests receiving a service parameter message with a broadcast content service identifier as recited in amended claim 10. Thus, claim 10 is patentable over Park and Drake. Claims 11-20 depend directly or indirectly upon independent claim 10 and, thus, are also patentable over Park and Drake. Reconsideration and withdrawal of the rejection of claims 10-20 under 35 U.S.C. § 103(a) as being unpatentable over Park and Drake is respectfully requested.

35 U.S.C. § 103(a) - Park, Drake, and Jollota

Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Park et al. in view of Drake, Jr. et al. and further in view of Jollota et al. (US 2004/0142699). Claims 21-23 depend directly or indirectly upon independent claim 10. None of Park, Drake, or Jollota show or suggest the step of "receiving a service parameter message with a broadcast content service identifier" as recited in amended claim 10. Thus, claims 21-23 are patentable over Park, Drake, and Jollota. Reconsideration and withdrawal of the rejection of claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Park, Drake, and Jollota is respectfully requested.

Application No. 10/683,760  
June 15, 2005  
Page 11 of 11

Docket No. CS23797RA - Bi

S U M M A R Y

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117**.

Respectfully submitted,

By: Sylvia Chen 16JUN2005  
Sylvia Chen  
Attorney for Applicant  
Registration No. 39,633  
Tel. No. (847) 523-1096  
Fax No. (847) 523-2350  
Email: Sylvia.Chen@motorola.com

Please send correspondence to:  
Motorola, Inc.  
Intellectual Property Dept. (SYC)  
600 North U.S. Highway 45, AS437  
Libertyville, IL 60048  
Customer Number: 24273